

Fiscal Note

Fiscal Services Division



HF 485 – Voter Identification (LSB 1166HV)

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Fiscal Note Version – New

Description

House File 485 specifies the published notice of an election is to include a statement that all voters will be required to show proof of identification before casting a ballot and requires all voters to present proof of identity before being allowed to vote. Requires the proof of identity to:

- Include the name on the proof of identification document to conform to the name on the election register.
- Include a photograph of the person to whom it was issued.
- Be issued by the government of the United States, the State of Iowa, an Iowa public or private university or college, an Iowa secondary school, or a political subdivision of the State.
- If issued by a political subdivision, the document must have been issued no later than the close of voter registration for that election and meet other requirements to be specified by the State Commissioner of Elections.

This Bill specifies the type of documents that may be used to establish proof of residence during same day registration and specifies that if oaths are used to establish identity and residence they must be on the same piece of paper. This Bill also specifies the procedures for establishing proof of identification without the specified documents by written oath of the person wishing to vote and of an attesting person that provides the required proof of identification. The attesting person may only attest to the identity of one person during the election. The county commissioner of elections is required to review all oaths within 45 days after the election and notify the State Commissioner and the county attorney if a person is found to have attested for more than one person. Falsely stating or attesting to a voter's identity is made a class "D" felony by this Bill.

This Bill permits a person unable or refusing to present proof of identity, or fails to provide proof to the satisfaction of the precinct election official, or confined persons, to vote a provisional ballot, and specifies the person casting a provisional ballot is to receive a statement that lists the types of acceptable identification that must be presented before the ballot will be counted. This Bill further specifies a provisional ballot may be voted if the person executes an affidavit specifying that the person is either indigent and unable to obtain proof of identification without the payment of a fee, or has a religious objection to being photographed. This type of provisional ballot and one voted because the person did not present acceptable proof of identification at the time of voting is presumed valid unless additional written documents refute the presumption.

This Bill also permits a registered voter that is a tenant of a certified assisted living program to have an absentee ballot delivered to the registered voter. This Bill specifies the manner of delivery of absentee ballots to tenants of assisted living programs in and outside the county where the voter is registered. A person voting an absentee ballot must provide proof of identity before the ballot will be counted. Permits a confined person to cast a ballot without proof of

identification by executing an affidavit affirming that the person does not have and is unable to obtain proof of identification and that the voter resides in a hospital, assisted living program, or a health care facility. If the person does not supply the required identification and does not execute the affidavit, the ballot will be considered a provisional ballot.

This Bill permits a person to obtain an identification card for voting purposes only from the Department of Transportation (DOT) at no fee. The card is required to be labeled "For Voting Purposes Only."

This Bill makes conforming changes to required notices on forms related to voter registration and registration by mail and is applicable to elections held on or after January 1, 2015.

Background and Assumptions

Fiscal Information

- Persons most likely impacted by this Bill, from a State fiscal impact perspective, will include a combination of the following general characteristics:
 - A person that is an active voter.
 - A person that does not have a certified birth or marriage certificate or any other form of identification required to be issued a nonoperator's identification card.
 - A person that votes in-person at the polls or votes an absentee ballot in person.
 - A person that does not possess photo identification issued by the government of the United States, the State of Iowa, an Iowa public or private university or college, an Iowa secondary school, or a political subdivision of the State.
 - A person that purchases a nonoperator's identification card.
- Instructions on obtaining a nonoperator's identification card can be found on the [Iowa Department of Transportation website](#).
- Instructions on obtaining a certified birth or marriage certificate can be found on the [Iowa Department of Public Health website](#).
- The cost of a certified copy of a birth certificate or marriage certificate is \$15 each.
- The cost of a DOT-issued nonoperator's identification card is \$5 for a new issue and renewal, \$3 to replace a lost card, and \$1 to update information (i.e., address and name change). Nonoperator's identification cards are valid for five years.
- The cost to the DOT for one-time card design and programming expenses is approximately \$45,000, and the cost to produce and mail each card is approximately \$4, not including staff time or the payment of the processing fee to counties.
- The DOT issued an average of 62,000 nonoperator's identification cards over the last two fiscal years.
- It is assumed that individuals routinely purchasing and renewing nonoperator's identification cards will request the identification cards for voting purposes and receive the cards at no charge. This assumption is based on the experience in Indiana where nearly all nonoperator's identification cards issued to persons 18 and over are issued free of charge.
- All fees collected from the issuance of nonoperator's identification cards are deposited in the Road Use Tax Fund.

- The Iowa DOT currently has approximately 2.4 million driver's licenses and identification cards in circulation, of all types for people 18 years of age or older. These cards include 178,000 nonoperator's identification cards.
- There were approximately two million active registered voters in Iowa during the 2012 general election and approximately 81.1% (1.6 million) voted.
- County auditors will have additional staff hours and expenses related to the following:
 - Training
 - Requesting and reviewing identification
 - Review of attestations
 - Processing additional provisional ballots
- It cannot be determined if litigation will be filed and the extent of the litigation that will result from the enactment of this Bill. The Secretary of State is defended by the State Attorney General and the Attorney General uses available General Fund resources to provide the defense. The Attorney General's Office has stated that the legislation would likely result in litigation against the State and could be complex and require attorney time and related litigation costs, including expert witnesses.
- The Secretary of State has indicated that they will not have any additional costs. The Office will address voters and auditor education during their normal communication and training. The Office currently expends more than \$255,000 annually from the General Fund appropriation for communication, outreach, training, and education of the county commissioners of election in order to provide uniform election practices and procedures. This is provided in the form of the daily help desk, the Election Administrators handbook, email communications, and training sessions.

Correctional Information

The correctional impact cannot be estimated due to a lack of data. Conviction for a Class "D" felony offense may result in a sentence of a fine and/or community service, county jail, probation with or without Community-Based Corrections (CBC) supervision, or a State prison sentence. The crime may be similar to current Iowa law related to election misconduct. If so, there are approximately six convictions per year. Approximately 42.9% of the convictions were a Class "D" felony. Therefore, there may be few convictions for the new offense, and minimal impact on correctional resources. Refer to the [Correctional Impact Memo](#), dated February 11, 2013, for information related to costs by crime class. The memo provides a range of costs based on actual costs and length of stay plus certain assumptions. A range of costs is provided for nonviolent crimes. The costs for the new crime created in this Bill may be at the lower end of the range (\$5,400) because it is unlikely the offender will receive long-term confinement as part of the sentence.

Minority Data Information

The minority impact of the new offense, falsely stating or attesting to a voter's identity, cannot be estimated due to a lack of data. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Memo](#), dated February 11, 2013, for information related to minorities in the criminal justice system. The crime may be similar to current Iowa law related to election misconduct. If so, then 35.7% of the convicted offenders were African-American. There may be a minority impact associated with the new crime created in this Bill.

Summary of Impacts

Fiscal Impact

It is estimated that HF 485 will result in a loss of revenue to the Road Use Tax Fund of \$155,000 in FY 2012 and \$310,000 each year thereafter to reflect the cost of providing identification cards at no charge for the current level of customers.

Counties would incur approximately \$165,000 in additional expenses implementing this Bill.

The fiscal impact resulting from the increased number of persons obtaining nonoperator's identification cards as a result of the new voting requirements of this Bill cannot be determined at this time.

Correctional Impact

The correctional impact cannot be estimated, however, it is anticipated to be minimal.

Minority Impact

To the extent that the new crime, falsely stating or attesting to a voter's identity, results in new convictions, there may be a minority impact.

Sources

Department of Transportation
Iowa Secretary of State
Department of Public Health
Iowa State Association of Counties
Iowa Attorney General
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Public Defender
State Court Administrator's Office

/s/ Holly M. Lyons

March 25, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
